

1 A Just did what I could relief wise for who
2 needed somebody.

3 Q Okay.

4 A The next full-time job for a six-month trial
5 was with Doctor Janderlich in February of
6 2005.

7 Q What was the name of his clinic?

8 A Central Valley Animal Hospital.

9 Q Where was that located?

10 A Rainbow City, Alabama.

11 Q Okay. And you worked there for six months?

12 A Yes, sir.

13 Q How much did you make there?

14 A It would be \$28,000 for six months.

15 Q Okay. Why did you leave that employment?

16 A I was no longer offered to be employed there
17 anymore. There wasn't an offer for me to
18 stay.

19 Q Okay. And why was there not an offer, if
20 you know?

21 A I'm unsure of why there wasn't an offer.

22 Q Okay. Do you think it was related to any of
23 the events that occurred at Auburn?

1 A It's very possible that Doctor Janderlich
2 was affected by that comment.

3 Q You don't know for sure, though. He never
4 told you that.

5 A You would have to ask Doctor Janderlich
6 that.

7 Q Okay. Where did you go to work after Doctor
8 Janderlich's office?

9 A I did some relief work for a couple days at
10 Animal Health Care, and then started a job.

11 Q Where was that?

12 A Rainbow City, Alabama. Started a job in
13 August 2005 at Rainbow City Pet Clinic --

14 Q Okay.

15 A -- where I'm currently employed.

16 Q Okay. Who's your supervisor there?

17 A The owner is Theresa Drummond-Rigger.

18 Q How much do you make there?

19 A \$55,000 a year.

20 Q Okay. Tell me this: A few minutes ago you
21 mentioned I was -- your long-term goals, if
22 you would have got your PhD, would have been
23 teach, and then you said, or go into the

1 pharmaceutical field. I mean, you can't do
2 those both at the same time, correct?

3 A Do them at the same time. Teach at Auburn
4 and work with the pharmaceutical industry --

5 Q Right.

6 A -- but not get a job with the pharmaceutical
7 industry.

8 Q Okay. I mean, so what was your -- Which one
9 was your long-term plan?

10 A To me, to teach at Auburn was what I wanted
11 to do first and foremost.

12 Q Okay. How much would you have made teaching
13 at Auburn?

14 A I would have to say seventy-five thousand
15 (\$75,000) to a hundred and twenty-five
16 thousand (\$125,000), somewhere in that
17 range, maybe. And I want to clarify that,
18 you know, given that opportunity to teach at
19 Auburn, I wanted to take it if I was given
20 that opportunity then. I'm still interested
21 in the pharmaceutical industry. But I think
22 I could go into pharmaceutical industry
23 later if I had a PhD. And the job at Auburn

1 might not always be open. So, it would have
2 been a decision at that time.

3 Q How do you know that you could have gotten a
4 job as a professor at Auburn?

5 A I was being discussed as the possible
6 replacement for Doctor Hendrix. Doctor
7 Blagburn had talked to me about that, and he
8 said that Doctor Wolfe had -- he had
9 mentioned it to Doctor Wolfe, and they had
10 talked about it.

11 Q And when was that?

12 A It was in the summer and beginning of fall
13 of 2003.

14 Q Okay. Had you ever been promised a job to
15 teach at Auburn?

16 A Nobody promised, as to say.

17 Q Okay. I mean, what did they say?

18 A They said that Doctor Blagburn told me that
19 he would like for me to be considered, and
20 consider the idea of possibly replacing
21 Doctor Hendrix when he retired. He had
22 considered that and thought about it. He
23 had talk to Doctor Wolfe about it. And they

1 both liked the idea. And wanted to see what
2 I thought about it. And there it was.

3 Q When did -- When was all this going to take
4 place? When was Doctor Hendrix going to
5 retire?

6 A That was Doctor Hendrix's decision. He had
7 a certain amount of days until he can
8 retire. And then, I'm guessing it's his
9 decision on when he wants to step down. And
10 I really probably couldn't take his place
11 until I finish my PhD.

12 Q And this is all --

13 A So, I was assuming, you know, that what they
14 were talking about was when I finished my
15 PhD and when Doctor Hendrix retired.

16 Q Right. This is all kind of -- I mean, it
17 was speculative, though, wasn't it? Nothing
18 was set for sure.

19 A It was just discussing it.

20 Q Okay. What about jobs in the pharmaceutical
21 field?

22 A What about them?

23 Q Did you have any jobs lined up if you would

1 have gotten your PhD?

2 A No. Only Doctor Blagburn telling me that,
3 any time I wanted a job with the
4 pharmaceutical industry, he could get me
5 one.

6 Q Okay. He didn't mention any particular job
7 by name, though, did he?

8 A He mentioned the name of one title. And I
9 think it's with Bayer. It's a Veterinary
10 Professional Services, veterinarian.

11 Q Did he say you can have this job for certain
12 if you want it if you get your PhD?

13 A He never said that.

14 Q Okay. How much would you be making in the
15 pharmaceutical field?

16 A I only know that Doctor Blagburn told me I
17 would be making six figures, and he could
18 get me a job making one hundred and twenty
19 thousand (\$120,00) dollars a year.

20 Q Okay. You never talked to any companies in
21 the pharmaceutical field, and they've never
22 told you how much you would be making,
23 correct?

1 A That's correct, only that if I went to work
2 for them. I've only talked to them, and
3 they said I would make more than I did in a
4 university setting.

5 Q Have you -- Can you get a job in the
6 pharmaceutical field without a PhD?

7 A There are plenty of jobs in the
8 pharmaceutical industry that would not
9 require a PhD.

10 Q Well, doing what you want to do. I mean,
11 are there --

12 A Doing what I want to do, no.

13 Q You have to have a PhD?

14 A To do what I want to do, I think, yes.

15 Q How do you know that? Is there job
16 requirements that you've seen?

17 A I've seen job requirements that said
18 veterinarian DVM and PhD as requirements.

19 Q Okay. What jobs were those?

20 A Right off the top of my head, I would have
21 to look it back up, but they're in the
22 veterinary pharmacy field.

23 Q Do you know how much those jobs would pay?

1 A Not sure off the top of my head.

2 Q Okay. And, again, there was no job that you
3 had been promised, or nobody said, if you
4 get your PhD, we're going to hire you on
5 here, correct?

6 A Must have just been leading me on if not a
7 promise there.

8 Q I mean, who was leading you on?

9 A Doctor Blagburn.

10 Q Okay. None of the actual companies --

11 A No.

12 Q -- in the pharmaceutical field?

13 A No, I hadn't spoken with any companies
14 directly.

15 Q Okay. How much can you -- can a vet make at
16 the high end if you stay in the field?

17 A We would have to get some surveys of that.
18 You could get that information. I'm not
19 sure off the top of my head. I'd hate to
20 guess.

21 Q Okay.

22 A Fifty-five, somewhere above that.

23 Q Okay. One allegation that you've made is

1 you've been emotionally damaged by all of
2 this. Can you explain that a little bit?

3 A I've talked about it previously today,
4 that --

5 Q Well, I mean, just --

6 A It was emotional.

7 Q Go into detail, you know, about -- go ahead.

8 A Go ahead and help me.

9 Q Huh?

10 A Help me with it.

11 Q Okay. I mean, just go into detail about how
12 you've been emotionally damaged, what it's
13 caused you to do. Have you lost sleep,
14 appetite been suppressed? Or that kind of
15 stuff.

16 A No.

17 Q Broke out in hives? I don't know.

18 A Very accurate. When I -- First in December,
19 I did break out with hives or something on
20 my face. I was very stressed out. People
21 noticed that I did lose weight. I felt a
22 lot of anxiety about it, which left me
23 thinking about these things and what the

1 future held and kept me up at night and kept
2 me from making decisions and moving on with
3 a future because I didn't know if this dark
4 cloud was going to follow me wherever I
5 went. So, the whole incident and the way it
6 was handled caused a lot of distress in my
7 life.

8 Q Okay.

9 A Until -- and even now.

10 Q Did this cause you to seek help from any
11 medical professionals?

12 A Only discussing it, you know, with my family
13 to start with. And then my home town
14 physician, I discussed it with him.

15 Q Okay. Your family -- Are there any medical
16 professionals in your family?

17 A I mean...

18 Q That you discussed it with?

19 A Are there MDs or psychiatrists?

20 Q (Witness nodding in the affirmative).

21 A No, they are not MDs or psychiatrists.

22 Q Okay. What are they?

23 A You really want to know what people in my

1 family are?

2 Q I mean, they're nothing -- There are no --
3 None of them are experienced or trained or
4 have any qualification to discuss any
5 psychological or emotional problems that you
6 were having.

7 A Twenty-eighty years of being with me, my
8 family has a lot of --

9 Q From a medical standpoint, though.

10 A Advice and stuff. Medically, they don't
11 recommend medications or anything like that
12 for me.

13 Q Did you get on any medications as a result
14 of this incident?

15 A Only -- I think he did -- My home town
16 doctor prescribed me something for anxiety.

17 Q Do you know what that was?

18 A I hate to guess, but I'm thinking it was
19 Alprazolam.

20 Q Okay. Did you ever require any
21 hospitalization because of this?

22 A No, I wasn't hospitalized because of this.

23 Q Did you go to a psychiatrist, psychologist?

1 A No.

2 Q Okay. Do you contend that the incident
3 related to your perceived dismissal
4 prevented you from going to law school or
5 getting an MBA?

6 A I'm sorry. What was the question?

7 Q Do you believe that this incident prevented
8 you from going to law school or from getting
9 an MBA?

10 A The whole incident didn't help my future in
11 any way.

12 Q Okay. Well, did it --

13 A It was a big distraction. And it did impact
14 how well I could apply for a school and what
15 kind of shape I was in to take on that
16 challenge of an MBA program or a law school
17 program.

18 Q Okay. No law school or MBA program denied
19 your admission because of any actions
20 related to the events that occurred at
21 Auburn?

22 A No.

23 Q Okay. In fact, didn't some of the

1 professors at Auburn write letters of
2 recommendation to law schools or to MBA
3 programs?

4 A I did get them to write me letters of
5 recommendations to the MBA program and the
6 law school program. It was Doctor Wolfe,
7 Blagburn and Janicki.

8 Q Were those good letters of recommendation?

9 A I would consider them good letters of
10 recommendation.

11 Q Okay. How has your good name been damaged
12 as a result of this alleged conduct by
13 Auburn?

14 A We've talked about it previously today in
15 that, being associated with cheating,
16 bipolarism, drug abuse, being kicked out
17 your PhD program, and changing your main
18 field is -- Are we asking was it defamatory?
19 What were you asking me?

20 Q No. I mean, just how has your good name
21 been damaged?

22 A My good name. I'm sorry. Damaged your good
23 name. That damages my good name, and the

1 people at Auburn, you know, who knows what
2 they've heard, and what they -- what reasons
3 they, you know, thought of why I left. For
4 everybody who knew me, knew that my goal was
5 to finish that PhD program. And then, I
6 don't know what they were told or what they
7 came up with, why I'm not there. I should
8 still be there finishing my PhD program or
9 finished with it by now.

10 Q Kind of -- All this stuff, though, Chris,
11 it's kind of secondary to what your claim
12 that you say due process. They couldn't
13 dismiss me without giving me a hearing. I
14 mean, if they would have dismissed you, and
15 if they would have given you a hearing, and
16 then after the hearing still dismissed you,
17 all these problems and damages would have --
18 would have occurred, wouldn't they?

19 A I'm sorry. You lost me with the dismissed.

20 Q Okay.

21 A If they gave me -- If they dismissed me and
22 then gave me a hearing?

23 Q Well, I mean, no. If they would have given

1 you a hearing -- Let's say you're saying
2 that they should have given me a hearing
3 before they dismissed me.

4 A Right.

5 Q Well, if they would have given you a hearing
6 and then still dismissed you, I mean, that
7 wouldn't have prevented any of this stuff
8 that we've been talking about from
9 happening, correct?

10 A Being innocent after the hearing, I would
11 hope that they wouldn't dismiss me. And
12 that --

13 Q Well, let's assume --

14 A -- these things wouldn't have happened.

15 Q Let's assume that they did still dismiss
16 you.

17 A That didn't happen.

18 Q I'm asking you to assume that they -- if you
19 had a hearing, you were still dismissed as
20 you allege from the program, that would
21 have -- would it have prevented all this
22 stuff that we've been talking about, all
23 this damage from occurring?

1 A I think it would have. The shock and the
2 suddenness of it all without having prior
3 notice and warning and a chance to plan is
4 where a lot of the damages comes in. The
5 capricious nature of it --

6 Q You still couldn't have gotten that job in
7 the pharmaceutical field that required a
8 PhD, could you?

9 A If I wouldn't have gotten my PhD, that's
10 right.

11 Q That's right. Okay. And you still would be
12 working as a vet just as you are today,
13 correct?

14 A That's correct.

15 Q Okay. And, again, there's no -- You can't
16 point to anyone who has not offered you
17 employment. You don't know of anyone that's
18 not offered you employment or retained your
19 employment because of the events that
20 occurred at Auburn.

21 A I don't know and may never know how that
22 will affect my future employers.

23 Q Okay. And we spoke about Doctor Janderlich.

1 Anybody besides the recommendation that
2 Doctor Blagburn gave to Doctor Janderlich,
3 are there any other recommendations that you
4 are aware of that Doctor Blagburn made to
5 anyone?

6 A He's had contact with my current employer,
7 but I'm unsure what they've talked about.

8 Q Okay. Anybody else?

9 A I'm not sure of who Doctor Blagburn has
10 talked to about this. To my knowledge, I
11 don't know.

12 Q Has he tried to help you get a job in any
13 way? Has he told you -- In any way, has he
14 told you these people might be hiring, or
15 you might want to try this?

16 A Only what is recorded on the tape about
17 Dedrickson (phonetic) is the only thing that
18 I'm aware of.

19 Q Okay. Have you attempted to enter a PhD
20 program in any other institution?

21 A No.

22 Q Why? Why not?

23 A It's something that is still unresolved. I

1 want to see what happens in this court case
2 first. I may be back at Auburn.

3 Q You do recognize that as an option, correct?

4 A What?

5 Q That you could go to a PhD -- if you want to
6 reach your long-term goal is to be a
7 parasitologist, you could go and enter a PhD
8 program in another university.

9 A That's a possibility, not a guarantee by any
10 means.

11 Q Okay.

12 A Highly competitive.

13 Q And to this point, you've taken no steps to
14 try to get in to another university?

15 A I'm still arguing that I want back into the
16 university that I wrongfully got dismissed
17 from. So, until this is resolved, I may be
18 back at Auburn.

19 Q Well, if you think you may be back at
20 Auburn, what do you think you have to do to
21 get back at Auburn?

22 A What do I have to do to get back in Auburn?

23 Q Strike that. Look at your complaint, which

1 is Defendant's Exhibit One.

2 MS. DICKEY: It's close to lunch time.

3 Off the record.

4 (At which time, a recess was
5 taken.)

6 Q Chris, what was the name of the person at
7 the Alabama Professional Wellness Committee
8 that you spoke to?

9 A My best recollection is his name is Doctor
10 Skipper.

11 Q Who was Doctor Dillon that we spoke of?
12 Doctor Dillon?

13 A He is a member on my committee that is in
14 the clinical sciences department at the vet
15 school.

16 Q Okay. Was it Doctor Dillon that you went
17 and asked if he would serve as your major
18 professor?

19 A I did go to him and talk to him about him
20 taking me on and being my major professor,
21 finishing my PhD program underneath him.

22 Q Okay. Look at Defendant's Exhibit Two.
23 It's your responses to our interrogatories.

1 Interrogatory number 12, the question asked
2 you to identify the liberty and property
3 interests -- and/or property interests which
4 you contend were defamed by Auburn or any
5 Auburn faculty member or employee. And
6 you've identified, "His good name, his right
7 to a hearing, the PhD contractual agreement,
8 and his research data." Explain what you
9 mean by "his right to a hearing."

10 A Being accused of the infractions that I was
11 accused of and the subsequent action of
12 being dismissed from my program I think
13 deserved a hearing from the rules and
14 policies and procedures that I can find.
15 So, a hearing on the matter.

16 Q And what rules, policies, and procedures are
17 you referring to?

18 A Auburn's rules of how to handle an
19 allegation of cheating, of misconduct, of
20 behavior, of measuring a PhD student's
21 progress.

22 Q Which one -- Tangibly, what are those
23 documents?

1 A They're found in some policies and
2 procedures that the biomedical sciences
3 department hands out and also the graduate
4 research -- graduate student's research
5 handbook.

6 Q Okay. That's one of those --

7 A That's one.

8 Q -- in Defendant's Exhibit Six, "graduate
9 studies and biomedical sciences MS and PhD
10 program?

11 A One of them.

12 Q Okay. And what's the other thing that you
13 are referring to?

14 A The graduate student handbook.

15 Q Okay. Did you produce a copy of that?

16 A Kay told me that she thought she did.

17 MS. DICKEY: I'm sorry. I was writing.

18 Which one?

19 MR. KNIGHT: The graduate student
20 handbook.

21 Q Here's all the documents that you produced.
22 Can you find what you're referring to in
23 there?

1 MS. DICKEY: We may have that for
2 today. I'm not sure.

3 MR. KNIGHT: If it's not in there, Kay,
4 can you get that? I don't know if
5 it is or not.

6 MS. DICKEY: Sure. I'm not sure. I
7 mean, there are several different
8 handbooks or policies. I'm not
9 sure which one this is, but I'll
10 look for it.

11 Q Okay. And what was the name of it again,
12 Chris?

13 A Graduate student handbook.

14 Q Okay. Anything else?

15 A It covers your right to a hearing. I think
16 it mentions it in the bulletin, Auburn
17 Bulletin. And I think those are the three
18 places that I know of.

19 Q Okay.

20 A Tiger Cub, maybe, touches on it.

21 Q Okay. I think I recall it the last time we
22 went through the document, the graduate
23 studies document. So, we won't go through

1 that again.

2 Okay. What about there in
3 interrogatory number 12, the PhD program
4 contractual agreement. What are you
5 referring to by that?

6 A I was given and was in an assistantship, and
7 I was a graduate research assistant. And
8 that is part of being in the PhD program.
9 And that consists of being a student and an
10 employee. And the pay that I was getting --
11 The pay that I was getting was going to be
12 stopped at the end of January was what I was
13 told. And my whole program was going to be
14 stopped because I was going to be a great
15 parasitologist, just not at Auburn. And
16 when they told me that I was dismissed, it
17 was from the PhD program and my
18 assistantship. And when I no longer had
19 access to my data, it hurt me.

20 Q Well, what's the contractual agreement? Is
21 there a contract that you actually signed?

22 A There wasn't an actual written contract that
23 I signed, but there was an oral agreement

1 that I was in the PhD program and would get
2 paid twenty-three thousand, five hundred
3 (\$23,500) dollars every year until I
4 finished it.

5 Q Who made the agreement?

6 A Doctor Blagburn was the one who brought that
7 to me.

8 Q Okay. And this relates to your employment?

9 A I know that as an assistant, as a graduate
10 research assistant, you're considered a
11 student and an employee.

12 Q Okay. I think you told me last time,
13 though, that you're not claiming a liberty
14 or property interest in your employment; is
15 that correct?

16 A And I said that I was unsure of how that's
17 going to fall under --

18 Q This part, the grievance, the assistantship.

19 A I know that assistantship, it would be
20 covered in there if you're considered a
21 student and an employee.

22 Q Okay. An oral agreement was made by you and
23 Doctor Blagburn?

1 A Not only that, but, I mean, it started, you
2 know, by paying me, and I was in the
3 program. You can see that by the
4 transcripts and the paychecks.

5 Q Okay. And was there an agreement that if he
6 withdrew -- resigned as your major
7 professor, that this would -- this
8 assistantship money would continue?

9 A We never discussed that he would withdraw,
10 that that would even be an option.

11 Q Either way, was it discussed?

12 A He didn't discuss that.

13 Q Okay. So, he didn't tell you that, "Even if
14 I withdraw as your major professor, this
15 money is going to continue"?

16 A He told me that, you know, I was going to
17 get my PhD. And he never mentioned him
18 withdrawing or stopping the funding.

19 Q Are you saying there was a contractual
20 agreement for him to remain as your major
21 professor?

22 A If that's what it takes to continue that
23 pay. I'm not sure I understand. I'm

1 telling you that he never said that he was
2 going to. He said that he would be my major
3 professor, and I never thought that he
4 wouldn't since he had been my major
5 professor for the last five to six years,
6 working on our seventh year.

7 Q Well, essentially, that changed as he
8 alleges, he says, resigned as your major
9 professor. Wouldn't you -- Let's assume
10 that to be true. Wouldn't you expect that
11 money to no longer be there?

12 A If there was a change in that, I should have
13 been notified in writing.

14 Q Well, that's your opinion.

15 A That's the rules.

16 Q Outside of that --

17 A That's what the rules say.

18 Q What rule says that?

19 A Graduate student handbook.

20 Q Which we don't have.

21 A Which has been made available to you.

22 Q Well, can you tell me where it says that in
23 the graduate student handbook?

1 A I can show you.

2 Q All right. Can you get access to it now?

3 MS. DICKEY: Let me see if this is --
4 that was one of the last ones you
5 sent me?

6 THE WITNESS: I think so.

7 (At which time, a recess was
8 taken.)

9 Q All right. Can you tell me where in here --
10 And let me mark that as Defendant's Exhibit
11 15.

12 (At which time, the
13 referred-to document was
14 marked as Plaintiff's Exhibit
15 No. 15 by the Reporter.)

16 Q Okay. Can you tell me what Defendant's
17 Exhibit 15 is?

18 A It is a handbook for a graduate assistant
19 made by Auburn University's graduate school.

20 Q Okay. Can you tell me where in here it says
21 that professor should resign as major
22 professor in writing?

23 A We -- I said that -- on page 12 of 14.

1 Q 12 of 14?

2 A 12 of 14.

3 Q Okay.

4 A It says, "In addition to their rights" --
5 first paragraph. "In additional to their
6 rights as students at Auburn University, all
7 graduate assistants have certain other
8 rights as assistants. First, they have the
9 right to receive notification of all
10 decisions, actions, or contingencies that
11 will affect their assistantship. For
12 example, they should receive in advance an
13 account of the procedures by which they will
14 be evaluated as an assistant. They should
15 also receive notice of reappointment
16 procedures well in advance, so they can
17 prepare their request for applications."

18 Q Okay. Did you ever request written
19 notification from Doctor Blagburn that he
20 had resigned as your major professor, or, as
21 you say, that you were dismissed from the
22 PhD program?

23 A Why would I ask that? The written

1 notification, it doesn't really make sense
2 for me to ask for that written notification
3 when -- with what was going on.

4 Q Well, it doesn't say that you shall receive
5 written notification. It says you have a
6 right to receive written notification,
7 correct?

8 A It does say that I have the right to
9 receive.

10 Q Okay. So, you never requested written
11 notation?

12 A It doesn't say that I have to request it.

13 Q Okay. Any other place in here where you
14 think imposes that duty or obligation?

15 A I think this would cover it, that any
16 change, action, or contingency that would
17 affect my assistantship, I should be
18 notified in a written manner that explains
19 it clearly --

20 Q Okay.

21 A -- where there's no room for confusion.

22 Q How does this relate, in your opinion, to
23 your lawsuit?

1 A The whole graduate research assistant
2 handbook or this one particular statement?

3 Q Yeah, this provision that you are pointing
4 out.

5 A It says that I have a right as a student to
6 receive this written notification of change
7 in my assistantship, and I was denied that
8 with my dismissal. And they did not
9 document and notify me in the proper way
10 that they are supposed to follow their rules
11 and procedures. There wouldn't be this
12 confusion.

13 Q Are you contending that Auburn's failure to
14 follow their own procedures related to
15 written notification regarding an
16 assistantship gives rise to one of your
17 claims that you have in your lawsuit?

18 A I think it definitely is associated with it.

19 Q Okay. Associated. Doesn't it give rise to
20 a claim, then, in and of itself?

21 A I'm not a lawyer. I would have to discuss
22 that.

23 Q Anything else in this Graduate Assistant

1 Handbook that relates to any of your claims
2 in your lawsuit?

3 A There is a good deal of information in here
4 that covers things associated with the
5 lawsuit.

6 Q Okay. Can you tell me what those are?

7 A I think this one is relevant. The last
8 page -- I mean, last paragraph of page 12.

9 Q Okay.

10 A Where it says, "Finally, just as an
11 assistant may encounter problems in carrying
12 out their duties, so they become the
13 subjects of complaints or grievances brought
14 by others. When the assistant's supervisor,
15 academic advisor, or department head or
16 chair receives such complaints, the graduate
17 assistant has the right to receive prompt
18 notification and to offered the opportunity
19 to respond to the complaint, presenting
20 evidence in defense. Here, too, the burden
21 of proof should rest on the person making
22 the complaint."

23 Q And can you explain how you believe that

1 relates to your lawsuit?

2 A I think that denying me the opportunity to
3 be notified of the accusations and the
4 infractions that I committed, I never
5 received prompt notification. I didn't get
6 a real, true opportunity to respond to the
7 complaint, present evidence in my defense,
8 which is, to my knowledge, associated with
9 due process and fairness.

10 Q That's in your mind, correct? I mean,
11 that's in your opinion?

12 A Whose else would it be in?

13 Q Tell me about the second paragraph of this
14 page. Did you follow the graduate
15 assistant -- Did you try to state a
16 grievance under the graduate assistant's
17 grievance policy?

18 A I did not know that that existed.

19 Q Okay. Was this document available to you at
20 the time that you were a student at Auburn
21 in the PhD program?

22 A It was not given to me, nor was I told where
23 to exactly find it. But, like I said --

1 Q Do you know what this was?

2 A I could have found it.

3 Q Okay. Do you know if this was in place when
4 you were a student?

5 A To my knowledge, yes.

6 Q Why? What do you base that knowledge on?

7 A I had heard reference to it before but
8 didn't have a copy of it and didn't exactly
9 find it.

10 Q Okay. So, it goes without saying that you
11 did not follow the steps of the policies set
12 forth here for filing a graduate assistant
13 grievance; is that correct?

14 A Didn't know it existed.

15 Q All right.

16 A I was surprised Doctor Hendrix never
17 mentioned it.

18 Q So, if you didn't know it existed, you
19 obviously didn't follow the policies and
20 procedures set forth in it, correct?

21 A Not their policies, that's right.

22 Q Okay. And that would have been the
23 appropriate -- if you're claiming that you

1 were -- did not receive -- you weren't given
2 a chance to address complaints brought by
3 other students arising from this handbook,
4 don't you think it would have been
5 appropriate to file that complaint that you
6 have about that not being followed with the
7 academic grievance policy? Is that a
8 confusing statement?

9 A Yeah.

10 Q I thought it was.

11 A You lost me.

12 Q Well, you're claiming that certain
13 procedures in this handbook were not
14 followed, correct?

15 A Just in general procedures of giving me
16 notification and a chance to defend myself,
17 and it's covered here too.

18 Q Well, let's just keep it specific to this
19 handbook, correct?

20 A Okay.

21 Q And you claim that procedures of this
22 handbook were not followed by Auburn,
23 correct?

1 A That's correct.

2 Q Okay. Don't you think it would be
3 appropriate if procedures were not followed,
4 to file a grievance related to Auburn's
5 failure to follow those procedures with the
6 Graduate Assistant Grievance Committee,
7 which is set forth in this book?

8 A If I would have known it existed or if
9 Doctor Hendrix would have told me about it,
10 believe me I would have.

11 Q Okay. Okay. And if this was -- but if
12 this -- If this was, in fact, in place
13 during the time you were a student, you
14 would have had access to this, correct? I
15 mean, it's on the web site, right?

16 A It's on the web site.

17 Q Okay. If you would have looked for it, you
18 probably could have found it, correct?

19 A I did look. I just didn't find it.

20 Q Okay. Well, how did you find it this time
21 now that we have a lawsuit?

22 A How is, I did another search.

23 Q Okay. So, you were able to find it when it

1 was relevant to the lawsuit, not when it was
2 relevant to the events that were going on,
3 correct?

4 A If that's the way you see it.

5 Q Well, I'm --

6 A I'm just saying that I didn't know about it
7 before. I wished I would have.

8 Q Okay. And you didn't -- Okay. Tell me
9 about your research data. I know we spoke
10 of that in the last deposition. Is that --
11 Is that what this claim relates to, the
12 research that you collected in your Master's
13 that you were going to use in your PhD that
14 you claim you were wrongfully denied access
15 to?

16 A That's my research that I'm talking about.
17 I collected it while I was working on my
18 Master's, and there was excess information
19 that was going to be used toward my PhD.
20 degree.

21 Q Okay. And you believe you have a property
22 interest in that research?

23 A Yes.

1 Q Okay. What facts and what claims out of
2 your complaint -- and you might want to look
3 through your complaint -- are you alleging
4 against Doctor Richardson?

5 A I think that Doctor Richardson, holding the
6 position of president of Auburn University,
7 is associated with all of the causes of
8 action.

9 Q I mean, are there any specific facts which
10 support your claims against him?

11 A His failure to resolve or, you know -- and
12 he's the top man over all this.

13 Q Okay.

14 A It makes him kind of responsible.

15 Q What about your -- Tell me what facts
16 support your claim against Doctor Steven
17 McFarland, and which claims are brought
18 against him.

19 A I would have to say, that I know of, the due
20 process relates to Steven McFarland.

21 Q Okay. And what facts give rise to a due
22 process claim against him?

23 A The fact that he's over the graduate school,

1 and I'm a graduate student. And he didn't
2 see that I received due process on this
3 issue.

4 Q Okay. The other claims are not alleged
5 against Steven McFarland?

6 A I'm really unsure on the specifics of it, of
7 what they are or not covered under -- I hate
8 to say either way.

9 Q I mean, you know, I hate to press you on it,
10 Chris, but, I mean, this is a lawsuit. He's
11 sued. I think he has a right to know which
12 claims are alleged against him. I mean --

13 A The way it stands, are all of them alleged
14 against him right now?

15 Q I'm asking you.

16 A I'm thinking they all are. We'll assume
17 they all are.

18 Q What facts support your claim against him
19 under the Rehabilitation Act of 1973?

20 A He's the dean of the graduate school, and
21 I'm a graduate student. And I was perceived
22 to have a disability, and he didn't right
23 that.

1 Q But not by him.

2 A He knew about it or should have been made
3 aware of these things if he's the Dean of
4 the graduate school.

5 Q Okay. What about the defamation claim
6 against Steven McFarland?

7 A I mean, I don't think we listed him directly
8 in our interrogatories as part of the
9 defamation claim. But after our
10 depositions, he very well may be under that.

11 Q Usually you have the facts before -- I mean,
12 there's no facts that you had prior to
13 filing the lawsuit that would give you a
14 basis to file a defamation claim against
15 Steven McFarland?

16 A I'm unsure about that.

17 MR. KNIGHT: Tell me this: Kay, we've
18 spoken about this. The gender
19 discrimination claims and the
20 claim for writ of mandamus. I
21 understand that you-all are
22 withdrawing that claim from this
23 lawsuit?

1 MS. DICKEY: I don't have a problem
2 withdrawing those.

3 MR. KNIGHT: Okay.

4 MS. DICKEY: I didn't draft this
5 complaint. I inherited the
6 complaint. Had I drafted it, I
7 would not have.

8 MR. KNIGHT: Okay.

9 MS. DICKEY: But, you know, for now, we
10 have not, so, you know, we have to
11 consider that they're still in
12 there.

13 MR. KNIGHT: Well, I mean, then, that's
14 what I'm trying to figure out. If
15 they're still in there, I'm going
16 to go into the gender
17 discrimination claim now. And I
18 was trying to save time if you
19 will state on the record that
20 you'll --

21 MS. DICKEY: Let me talk before I state
22 anything on the record with my
23 client.

1 (At which time, a recess was
2 taken.)

3 MS. DICKEY: Okay. On the record,
4 Doctor Eiland is comfortable
5 dropping the gender but not the
6 writ.

7 MR. KNIGHT: Okay.

8 MS. DICKEY: So, on the record, the
9 gender cause of action is over.

10 MR. KNIGHT: Right. Okay. Thank you.

11 BY MR. KNIGHT:

12 Q What is the your writ of mandamus claim? I
13 mean, I don't understand that.

14 A For real. The way I was explained -- It was
15 explained to me by deceased former attorney
16 was that the courts could step in and make
17 it right the wrong that was done to me. And
18 if that is reinstatement into my program,
19 then I'd like to keep that on the table, if
20 that's what it entails.

21 Q Okay. And the facts that support that claim
22 are what?

23 A I'm no longer in my program, and I want to

1 be.

2 Q The facts we've discussed thus far. No
3 additional facts that you have to add that
4 relate to that claim, correct?

5 A I'm going to say that's right, right now.

6 Q Okay. Okay. What facts support your claim
7 against Doctor Wolfe?

8 A About?

9 Q Okay. I mean, which -- Why is he being
10 sued, basically?

11 A To my knowledge, he was the one who said to
12 get rid of me. Doctor Blagburn said Doctor
13 Wolfe said to get rid of you.

14 Q Okay. Is the discrimination under the
15 Rehabilitation Act claim alleged asserted
16 against Doctor Wolfe?

17 A If he was the one taking the action and he
18 perceived me to have a disability, I'm not
19 sure what they discussed.

20 Q You don't know if he did or did not perceive
21 you to have a disability, though?

22 A I'm not sure that he did.

23 Q Okay. Any defamation claim against Doctor

1 Wolfe? I don't recall that he was listed.

2 I might be wrong on that. Interrogatory 14.

3 A Not -- Not at this time.

4 Q Okay. What facts support your claim against
5 Charles Hendrix?

6 A For?

7 Q Anything. I mean, which claims -- Which of
8 these claims are alleged against him?

9 A I don't have it anymore. You've got it.

10 Q There you go. The Rehabilitation Act?

11 A Possibly, yes.

12 Q Okay.

13 A And --

14 Q Possibly, I mean?

15 A I mean, to my knowledge right now, he's
16 under the Rehabilitation Act and the due
17 process, the writ.

18 Q He never -- I mean, he didn't have authority
19 to dismiss you from the program, correct?
20 And it wasn't Doctor Hendrix that you -- I
21 mean, up until this point, I've never heard
22 you say that Doctor Hendrix had anything to
23 do with your alleged dismissal from the

1 program.

2 A That's true. He didn't have anything to do
3 with my -- that I know of, my immediate
4 dismissal from the program.

5 Q Then how is there a due process claim
6 against him?

7 A How this thing is evolving, it may reach to
8 him.

9 Q But you don't know that. There's no facts
10 that you can point to at this point,
11 correct?

12 A Right now, no.

13 Q Okay. Defamation. Didn't see any -- Doctor
14 Hendrix listed as being attributed to any of
15 the statements there.

16 A Not at this time. I can't prove that fact.

17 Q Okay. So, at this time, defamation is not
18 alleged against Doctor Hendrix. It's 14, I
19 think.

20 A Unless he made the statements to the Alabama
21 Veterinary Wellness Program, or he made the
22 statements to Elizabeth Landreth.

23 Q Okay. At this point, though, you don't know

1 that he did make either of those statements?

2 A I have no proof right now that he made
3 either one of those statements.

4 Q Okay. Any additional facts that support
5 your claims against Doctor Blagburn that we
6 haven't already discussed?

7 A Not that I'm aware of.

8 Q Okay. And all your -- All causes of action
9 are asserted against Doctor Blagburn?

10 A Yes.

11 Q Okay.

12 MR. KNIGHT: Can I take about three
13 minutes?

14 MS. DICKEY: Sure.

15 (At which time, a recess was
16 taken.)

17 MR. KNIGHT: I'm done.

18 MS. DICKEY: Oh, okay.

19 MR. KNIGHT: No questions.

20 CROSS-EXAMINATION

21 BY MS. DICKEY:

22 Q All right. I just have a few follow-up.

23 Doctor Eiland, how many years did

1 you attend Auburn University?

2 A Almost ten years.

3 Q And how many degrees did you receive from
4 Auburn University?

5 A Three degrees: A Bachelor of Science,
6 Master's of Science, and Doctor of
7 Veterinary Medicine.

8 Q Did you know Doctor Blagburn the entire time
9 you were at Auburn University?

10 A Not the entire time. I met him after my
11 Bachelor's degree.

12 Q Was he one of your professors while you were
13 in the School of Veterinary Medicine?

14 A He was.

15 Q Is Doctor Blagburn considered an expert in
16 the field of parasitology?

17 A He's world renowned. He is an expert in
18 parasitology.

19 Q Had you formed a close student/professor
20 relationship with Doctor Blagburn?

21 A Very close relationship with him.

22 Q And due to this relationship, had you
23 discussed with him -- or had he discussed

1 with you that he would help you find
2 employment?

3 A He did.

4 Q Okay. Do you know -- or do you have a
5 relationship with anyone else in another
6 university --

7 A I don't.

8 Q -- that's anywhere close to your
9 relationship with Doctor Blagburn?

10 A It would take years to build that
11 relationship that we had.

12 Q Okay. Who from the Alabama Wellness
13 Committee contacted you?

14 A Doctor Skipper, to my knowledge.

15 Q And what was the substance of your
16 conversation?

17 A That someone had telephoned him and told him
18 that I might be suffering from OCD,
19 bipolarism, and drug abuse. And he wanted
20 to know what I -- if I was suffering from
21 those and if I needed some help finding
22 counseling.

23 Q Did you ask him who had made that call?

1 A I'm not sure if I asked him or if he
2 volunteered the information. I'm pretty
3 sure that I asked, and he said that there
4 were two individuals from the department of
5 pathobiology, one a professor and possibly a
6 student.

7 Q But he didn't give you the names?

8 A He never gave me the names.

9 Q What department does Elizabeth Landreth work
10 in?

11 A Pathobiology.

12 Q And who's her supervisor?

13 A Doctor Wolfe.

14 Q Did Doctor Hendrix receive a copy of your
15 July 27th, 2004, letter?

16 A Not sent by me directly to him.

17 Q But do you know whether or not he received a
18 copy?

19 A He was --

20 MR. KNIGHT: Object to the form. Go
21 ahead.

22 Q You can still answer it.

23 A He discussed it as if he had a copy of it in

1 front of him.

2 Q And when was this?

3 A It was in August of 2004.

4 Q Were you in his office? I mean, where did
5 this conversation take place?

6 A He telephoned me on my cell phone, and I was
7 in Montgomery.

8 Q Okay.

9 MS. DICKY: I have no other questions.

10 MR. KNIGHT: Nothing else from me.

11

12 (Deposition concluded at
13 approximately 12:59 p.m.)

14 * * * * *

15 FURTHER DEPONENT SAITH NOT

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1 R E P O R T E R ' S C E R T I F I C A T E

2

3 STATE OF ALABAMA)

4 ELMORE COUNTY)

5

6 I, Jeana S. Boggs, Certified Professional
7 Reporter and Notary Public in and for the State of
8 Alabama at Large, do hereby certify on Monday, June
9 12, 2006, that pursuant to notice and stipulation on
10 behalf of the Plaintiff, I reported the deposition
11 of BYRON L. BLAGBURN, who was first duly sworn by me
12 to speak the truth, the whole truth, and nothing but
13 the truth, in the matter of CHRISTOPHER B. EILAND,
14 DVM, MS, Plaintiff, versus DR. BYRON L. BLAGBURN,
15 individually and in his official capacity, DR.
16 CHARLES HENDRIX, individually and in his official
17 capacity, DR. JOSEPH JANICKI, individually and in
18 his official capacity, DR. STEPHEN McFARLAND,
19 individually and in his official capacity, DR. ED
20 RICHARDSON, in his official capacity as President of
21 Auburn University, and DR. LAUREN WOLFE,
22 individually and in his official capacity,
23 Defendants, Civil Action No. CV-459-VPM, now pending

1 in the United States District Court for the Middle
2 District, Eastern Division of Alabama; that the
3 foregoing colloquies, statements, questions and
4 answers thereto were reduced to 155 typewritten
5 pages under my direction and supervision; that the
6 deposition is a true and accurate transcription of
7 the testimony/evidence of the examination of said
8 witness by counsel for the parties set out herein;
9 that the reading and signing of said deposition was
10 not waived by witness and counsel for the parties.

11 I further certify that I am neither of
12 relative, employee, attorney or counsel of any of
13 the parties, nor am I a relative or employee of such
14 attorney or counsel, nor am I financially interested
15 in the results thereof. All rates charged are usual
16 and customary.

17 This the 27th day of June, 2006.

18

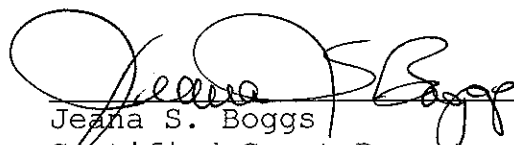
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Jeana S. Boggs
Certified Court Reporter and
Notary Public
Commission expires: 8/14/2006